

Exhibit A

From: [Theodore, Elisabeth](#)
To: [Prouty, Erika Dackin](#); [Eddie Speas](#); CMackie@poynerspruill.com; [Freedman, John A.](#); [Jones, Stanton](#); [Steed, Terence](#); [de Nevers, Orion](#)
Cc: [Phil Strach](#); [Jordan Koonts](#); [McKnight, Katherine L.](#); [Lewis, Patrick T.](#); [Cassie Holt](#); [Alyssa Riggins](#); [Stanley, Trevor M.](#); [Raile, Richard](#)
Subject: RE: Pierce v. North Carolina State Board of Elections - Legislative Defendants" Supplemental Rebuttal RPV Report
Date: Thursday, March 13, 2025 10:23:50 AM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)

It's fine to indicate that we'll include our objections in the same brief in which we object to portions of Dr. Alford's supplemental rebuttal report.

From: Theodore, Elisabeth
Sent: Thursday, March 13, 2025 10:22 AM
To: Prouty, Erika Dackin <eprouthy@bakerlaw.com>; Eddie Speas <ESpeas@poynerspruill.com>; zzz.External.CMackie@poynerspruill.com <CMackie@poynerspruill.com>; Freedman, John A. <John.Freedman@arnoldporter.com>; Jones, Stanton <Stanton.Jones@arnoldporter.com>; Steed, Terence <Tsteed@ncdoj.gov>; de Nevers, Orion <Orion.deNevers@arnoldporter.com>
Cc: Phil Strach <phil.strach@nelsonmullins.com>; Jordan Koonts <jordan.koonts@nelsonmullins.com>; McKnight, Katherine L. <kmcknight@bakerlaw.com>; Lewis, Patrick T. <plewis@bakerlaw.com>; Cassie Holt <cassie.holt@nelsonmullins.com>; Alyssa Riggins <alyssa.riggins@nelsonmullins.com>; Stanley, Trevor M. <tstanley@bakerlaw.com>; Raile, Richard <rraile@bakerlaw.com>
Subject: RE: Pierce v. North Carolina State Board of Elections - Legislative Defendants' Supplemental Rebuttal RPV Report

Erika – Our position is that we object to the admission.

Thanks,
Elisabeth

From: Prouty, Erika Dackin <eprouthy@bakerlaw.com>
Sent: Thursday, March 13, 2025 9:51 AM
To: Theodore, Elisabeth <Elisabeth.Theodore@arnoldporter.com>; Eddie Speas <ESpeas@poynerspruill.com>; zzz.External.CMackie@poynerspruill.com <CMackie@poynerspruill.com>; Freedman, John A. <John.Freedman@arnoldporter.com>; Jones, Stanton <Stanton.Jones@arnoldporter.com>; Steed, Terence <Tsteed@ncdoj.gov>; de Nevers, Orion <Orion.deNevers@arnoldporter.com>
Cc: Phil Strach <phil.strach@nelsonmullins.com>; Jordan Koonts <jordan.koonts@nelsonmullins.com>; McKnight, Katherine L. <kmcknight@bakerlaw.com>; Lewis, Patrick T. <plewis@bakerlaw.com>; Cassie Holt <cassie.holt@nelsonmullins.com>; Alyssa Riggins

<alyssa.riggins@nelsonmullins.com>; Stanley, Trevor M. <tstanley@bakerlaw.com>; Raile, Richard <rraile@bakerlaw.com>

Subject: RE: Pierce v. North Carolina State Board of Elections - Legislative Defendants' Supplemental Rebuttal RPV Report

External E-mail

Elisabeth,

We are filing Dr. Alford's 26(e) Supplement by noon today. If we do not hear from you before then, we will not include a position from Plaintiffs in our notice.

Sincerely,

Erika Prouty
Associate

BakerHostetler

200 Civic Center Drive | Suite 1200
Columbus, OH 43215-4138
T +1.614.462.4710

eprouy@bakerlaw.com
bakerlaw.com



From: Prouty, Erika Dackin

Sent: Wednesday, March 12, 2025 2:20 PM

To: Theodore, Elisabeth <Elisabeth.Theodore@arnoldporter.com>; Eddie Speas <ESpeas@poynerspruill.com>; CMackie@poynerspruill.com; Freedman, John A. <John.Freedman@arnoldporter.com>; Jones, Stanton <Stanton.Jones@arnoldporter.com>; Steed, Terence <Tsteed@ncdoj.gov>; de Nevers, Orion <Orion.deNevers@arnoldporter.com>

Cc: Phil Strach <phil.strach@nelsonmullins.com>; Jordan Koonts <jordan.koonts@nelsonmullins.com>; McKnight, Katherine L. <kmcknight@bakerlaw.com>; Lewis, Patrick T. <plewis@bakerlaw.com>; Cassie Holt <cassie.holt@nelsonmullins.com>; Alyssa Riggins <alyssa.riggins@nelsonmullins.com>; Stanley, Trevor M. <tstanley@bakerlaw.com>; Raile, Richard <rraile@bakerlaw.com>

Subject: RE: Pierce v. North Carolina State Board of Elections - Legislative Defendants' Supplemental Rebuttal RPV Report

Elisabeth,

The errata is proper under Federal Rule of Civil Procedure 26(e), which requires supplementation or

correction when the party learns that its disclosure is “incomplete or incorrect.” Dr. Alford’s errata was served less than 24 hours after your email inquiring about this issue, and just four days (two business days) after the Supplemental Rebuttal Report was originally served.

This is no different than the corrected supplements that were served for Dr. Burch on November 25, 2024, and on January 17, 2025. Dr. Burch incorrectly calculated the number of Black members elected to the North Carolina General Assembly in 2024 in her November 22, 2024, supplement, and Plaintiffs served corrected supplements on November 25, updating the number of Black Senators, and on January 17, updating the number of Black House members. The latter supplement was served nearly two months after Dr. Burch’s original supplement and a little over two weeks before trial.

We have revised the errata to indicate it is a Rule 26(e) supplement, and are attaching a redline to show that change. We are planning to file the document with the court this afternoon and move for its admission. Please let us know if you would like us to note Plaintiffs’ objection to the supplement. If so, we’ll indicate that the objection should be briefed on the same schedule as Plaintiffs’ objection to portions of Dr. Alford’s Supplemental Rebuttal Report.

Erika Prouty
Associate

BakerHostetler

200 Civic Center Drive | Suite 1200
Columbus, OH 43215-4138
T +1.614.462.4710

eprouthy@bakerlaw.com
bakerlaw.com



From: Theodore, Elisabeth <Elisabeth.Theodore@arnoldporter.com>

Sent: Tuesday, March 11, 2025 11:20 PM

To: Prouty, Erika Dackin <eprouthy@bakerlaw.com>; Eddie Speas <ESpeas@poynerspruill.com>; CMackie@poynerspruill.com; Freedman, John A. <John.Freedman@arnoldporter.com>; Jones, Stanton <Stanton.Jones@arnoldporter.com>; Steed, Terence <Tsteed@ncdoj.gov>; de Nevers, Orion <Orion.deNevers@arnoldporter.com>

Cc: Phil Strach <phil.strach@nelsonmullins.com>; Jordan Koonts <jordan.koonts@nelsonmullins.com>; McKnight, Katherine L. <kmcknight@bakerlaw.com>; Lewis, Patrick T. <plewis@bakerlaw.com>; Cassie Holt <cassie.holt@nelsonmullins.com>; Alyssa Riggins <alyssa.riggins@nelsonmullins.com>; Stanley, Trevor M. <tstanley@bakerlaw.com>; Raile, Richard <rraile@bakerlaw.com>

Subject: RE: Pierce v. North Carolina State Board of Elections - Legislative Defendants' Supplemental Rebuttal RPV Report

Erika:

This is not an errata; it is an untimely supplement that violates the scheduling order and adds multiple new sources and arguments to Dr. Alford's supplemental rebuttal report. Will you prepare an errata that complies with the rules?

Thanks,
Elisabeth

From: Prouty, Erika Dackin <eprouthy@bakerlaw.com>

Sent: Tuesday, March 11, 2025 2:41 PM

To: Theodore, Elisabeth <Elisabeth.Theodore@arnoldporter.com>; Eddie Speas <ESpeas@poynerspruill.com>; zzz.External.CMackie@poynerspruill.com <CMackie@poynerspruill.com>; Freedman, John A. <John.Freedman@arnoldporter.com>; Jones, Stanton <Stanton.Jones@arnoldporter.com>; Steed, Terence <Tsteed@ncdoj.gov>; de Nevers, Orion <Orion.deNevers@arnoldporter.com>

Cc: Phil Strach <phil.strach@nelsonmullins.com>; Jordan Koonts <jordan.koonts@nelsonmullins.com>; McKnight, Katherine L. <kmcknight@bakerlaw.com>; Lewis, Patrick T. <plewis@bakerlaw.com>; Cassie Holt <cassie.holt@nelsonmullins.com>; Alyssa Riggins <alyssa.riggins@nelsonmullins.com>; Stanley, Trevor M. <tstanley@bakerlaw.com>; Raile, Richard <rraile@bakerlaw.com>

Subject: RE: Pierce v. North Carolina State Board of Elections - Legislative Defendants' Supplemental Rebuttal RPV Report

External E-mail

Elisabeth,

Please see the attached errata to Dr. Alford's March 7, 2025 Supplemental Rebuttal Report.

Sincerely,

Erika Prouty
Associate

BakerHostetler

200 Civic Center Drive | Suite 1200
Columbus, OH 43215-4138
T +1.614.462.4710

eprouthy@bakerlaw.com
bakerlaw.com



From: Prouty, Erika Dackin

Sent: Tuesday, March 11, 2025 11:56 AM

To: Theodore, Elisabeth <Elisabeth.Theodore@arnoldporter.com>; Eddie Speas <ESpeas@poynerspruill.com>; CMackie@poynerspruill.com; Freedman, John A. <John.Freedman@arnoldporter.com>; Jones, Stanton <Stanton.Jones@arnoldporter.com>; Steed, Terence <Tsteed@ncdoj.gov>; de Nevers, Orion <Orion.deNevers@arnoldporter.com>

Cc: Phil Strach <phil.strach@nelsonmullins.com>; Jordan Koonts <jordan.koonts@nelsonmullins.com>; McKnight, Katherine L. <kmcknight@bakerlaw.com>; Lewis, Patrick T. <plewis@bakerlaw.com>; Cassie Holt <cassie.holt@nelsonmullins.com>; Alyssa Riggins <alyssa.riggins@nelsonmullins.com>; Stanley, Trevor M. <tstanley@bakerlaw.com>; Raile, Richard <rraile@bakerlaw.com>

Subject: RE: Pierce v. North Carolina State Board of Elections - Legislative Defendants' Supplemental Rebuttal RPV Report

Elisabeth,

Thank you for bringing this issue to our attention. We are working with Dr. Alford to prepare an errata and will be able to send it to you this afternoon.

Sincerely,

Erika Prouty

Associate

BakerHostetler

200 Civic Center Drive | Suite 1200
Columbus, OH 43215-4138
T +1.614.462.4710

eprouthy@bakerlaw.com
bakerlaw.com



From: Theodore, Elisabeth <Elisabeth.Theodore@arnoldporter.com>

Sent: Tuesday, March 11, 2025 10:29 AM

To: Prouty, Erika Dackin <eprouthy@bakerlaw.com>; Eddie Speas <ESpeas@poynerspruill.com>; CMackie@poynerspruill.com; Freedman, John A. <John.Freedman@arnoldporter.com>; Jones, Stanton <Stanton.Jones@arnoldporter.com>; Steed, Terence <Tsteed@ncdoj.gov>; de Nevers, Orion <Orion.deNevers@arnoldporter.com>

Cc: Phil Strach <phil.strach@nelsonmullins.com>; Jordan Koonts <jordan.koonts@nelsonmullins.com>; McKnight, Katherine L. <kmcknight@bakerlaw.com>; Lewis,

Patrick T. <plewis@bakerlaw.com>; Cassie Holt <cassie.holt@nelsonmullins.com>; Alyssa Riggins <alyssa.riggins@nelsonmullins.com>; Stanley, Trevor M. <tstanley@bakerlaw.com>; Raile, Richard <rraile@bakerlaw.com>

Subject: RE: Pierce v. North Carolina State Board of Elections - Legislative Defendants' Supplemental Rebuttal RPV Report

[External Email: Use caution when clicking on links or opening attachments.]

Erika:

We wanted to follow up on this request, since the source for this data should have been disclosed on Friday. Can you please send us the link?

Thanks,
Elisabeth

From: Theodore, Elisabeth

Sent: Monday, March 10, 2025 3:47 PM

To: Prouty, Erika Dackin <eprouthy@bakerlaw.com>; Eddie Speas <ESpeas@poynerspruill.com>; zzz.External.CMackie@poynerspruill.com <CMackie@poynerspruill.com>; Freedman, John A. <John.Freedman@arnoldporter.com>; Jones, Stanton <Stanton.Jones@arnoldporter.com>; Steed, Terence <Tsteed@ncdoj.gov>; de Nevers, Orion <Orion.deNevers@arnoldporter.com>

Cc: Phil Strach <phil.strach@nelsonmullins.com>; Jordan Koonts <jordan.koonts@nelsonmullins.com>; McKnight, Katherine L. <kmcknight@bakerlaw.com>; Lewis, Patrick T. <plewis@bakerlaw.com>; Cassie Holt <cassie.holt@nelsonmullins.com>; Alyssa Riggins <alyssa.riggins@nelsonmullins.com>; Stanley, Trevor M. <tstanley@bakerlaw.com>; Raile, Richard <rraile@bakerlaw.com>

Subject: RE: Pierce v. North Carolina State Board of Elections - Legislative Defendants' Supplemental Rebuttal RPV Report

Erika:

Can you please provide a link to the New York Times exit poll data that Dr. Alford indicates he is relying on on page 3 of his supplemental rebuttal report? There is no citation/hyperlink in the report and we did not see this data in the backup data.

Thanks,
Elisabeth

From: Prouty, Erika Dackin <eprouthy@bakerlaw.com>

Sent: Friday, March 7, 2025 9:31 PM

To: Eddie Speas <ESpeas@poynerspruill.com>; zzz.External.CMackie@poynerspruill.com <CMackie@poynerspruill.com>; Freedman, John A. <John.Freedman@arnoldporter.com>; Jones, Stanton <Stanton.Jones@arnoldporter.com>; Theodore, Elisabeth <Elisabeth.Theodore@arnoldporter.com>; Steed, Terence <Tsteed@ncdoj.gov>; de Nevers, Orion <Orion.deNevers@arnoldporter.com>

Cc: Phil Strach <phil.strach@nelsonmullins.com>; Jordan Koonts <jordan.koonts@nelsonmullins.com>; McKnight, Katherine L. <kmcknight@bakerlaw.com>; Lewis, Patrick T. <plewis@bakerlaw.com>; Cassie Holt <cassie.holt@nelsonmullins.com>; Alyssa Riggins <alyssa.riggins@nelsonmullins.com>; Stanley, Trevor M. <tstanley@bakerlaw.com>; Raile, Richard <rraile@bakerlaw.com>

Subject: Pierce v. North Carolina State Board of Elections - Legislative Defendants' Supplemental Rebuttal RPV Report

External E-mail

Counsel,

Please see the attached Supplemental Rebuttal Expert Report of Dr. John Alford. The report and associated back-up materials are located at the link below:

<https://globalftp.bakerlaw.com/w/f-0accb6db-71e8-469a-a2bd-14f713182097>

Please let us know if you have any trouble accessing.

Sincerely,

Erika Prouty
Associate

BakerHostetler

200 Civic Center Drive | Suite 1200
Columbus, OH 43215-4138
T +1.614.462.4710

eprouthy@bakerlaw.com
bakerlaw.com



This email is intended only for the use of the party to which it is addressed and may contain information that is privileged, confidential, or protected by law. If you are not the intended recipient you are hereby notified that any dissemination, copying or distribution of this email or its contents is strictly prohibited. If you have received this message in error, please notify us immediately by replying to the message and deleting it from your computer.

Any tax advice in this email is for information purposes only. The content

of this email is limited to the matters specifically addressed herein and may not contain a full description of all relevant facts or a complete analysis of all relevant issues or authorities.

Internet communications are not assured to be secure or clear of inaccuracies as information could be intercepted, corrupted, lost, destroyed, arrive late or incomplete, or contain viruses. Therefore, we do not accept responsibility for any errors or omissions that are present in this email, or any attachment, that have arisen as a result of e-mail transmission.

This communication may contain information that is legally privileged, confidential or exempt from disclosure. If you are not the intended recipient, please note that any dissemination, distribution, or copying of this communication is strictly prohibited. Anyone who receives this message in error should notify the sender immediately by telephone or by return e-mail and delete it from his or her computer.

For more information about Arnold & Porter, click here:
<http://www.arnoldporter.com>